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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,331	03/09/2004	H. Thomas Graef	D-1222 R5	4299
28995	7590	06/01/2006	EXAMINER KUMAR, RAKESH	
RALPH E. JOCKE walker & jocke LPA 231 SOUTH BROADWAY MEDINA, OH 44256			ART UNIT 3654	PAPER NUMBER

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/797,331	Applicant(s) GRAEF ET AL.	
	Examiner Rakesh Kumar	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Remarks filed 03/15/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 1 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Referring to claims 2,7,12 and 18. Claim 2 recites the limitation "one actuator lever" on line 21 and recites the limitation "one lever" on line 23. It is unclear whether the "one actuator lever" is the same as the "one lever." It is generally understood and broadly construed to mean the "one actuator lever" is the same as the "one lever." Appropriate action is required.

4. Referring to claims 2,7,12 and 18. Claim 2 recites the limitation "wherein one of the arm and the lever includes an angled slot" on line 24. It is unclear if both the "one of the arm" and "the lever" includes an angled slot or only the actuator lever as shown in the applicant's Figure 49. All claimed features must be shown in the accompanying drawings. It is generally understood and broadly construed by the Office to mean a slot on the lever only. Appropriate action is required.

5. Referring to claims 2,7,12 and 18. Claim 2 recites the limitation "wherein one of the arm and the lever includes an angled slot" on line 24. It is construed by the to mean

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"wherein one of the arm of the lever includes an angled slot," as best understood from Applicants Figure 49. Clarification is required.

6. Referring to claims 2,7,12 and 18. Claim 2 recites the limitation "wherein the other of the arm and the lever includes a pin," on line 26. It is construed by the to mean "wherein the other of the arm of the cam arm includes a pin," as best understood from Applicants Figure 49. Clarification is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 2-6 and 16-21 are rejected under 35 U.S.C. 102(a) as being anticipated by Weigel et al. (U.S. Patent Number 5234,209).

9. Referring to claims 2, 3,16,18, 20 and 21. Weigel discloses a dispensing unit for paper currency (Figure 1), wherein the apparatus includes a media presenter (10) wherein the presenter is adapted for use in an automated banking machine, wherein the presenter includes a housing (12; Figure 1), wherein the housing (12) includes an outlet (24), wherein the presenter (10) includes a gate arrangement (44, 48). wherein the gate arrangement (44, 48) includes a gate (42), wherein the gate (42) is movable between a

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closed position (Figure 6) and an open position (dashed lines; 44, 48; Figure 5), wherein in the closed position the gate prevents passage of a currency note stack through the outlet (24), wherein in the open position the gate (42) permits passage of the currency note stack through the outlet (24),

wherein the gate arrangement includes at least one cam arm (60; Figure 5 and 6), wherein the at least one cam arm (60) is connected to the gate (42), wherein movement of the at least one cam arm (60) is operative to move the gate between the closed position and the open position (see movement of cam arm 60 in Figure 5), wherein the gate arrangement includes at least one actuator lever (66),

wherein an arm (arm of member 60 attached to member 66) of the at least one cam arm (60) is located adjacent to a lever (66) of the at least one lever (66), wherein one of the arm (60) of the lever (66) includes an angled slot (70), wherein the other of the arm of the cam arm (60) includes a pin (68) , wherein the pin (68) is movable in the slot (70), wherein the lever (66) is movable relative to the arm (60), wherein actuation (by actuation of lever 132) of the lever (66) is operative to move the arm (60).

Regarding claims 17 and 19, although Weigel does not explicitly disclose a method of using his apparatus, the method steps recited in the claim above would inherently be performed when using the apparatus of Weigel in its usual and expected fashion.

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10. Regarding claim 4, Weigel discloses an apparatus wherein the arm (60) includes a first arm end (58) and a second arm end (64), wherein the first arm end (58) is connected to the gate (42), wherein the second arm end (64) includes a pivot axis (see axis through member 62), wherein the arm is operative to pivot about the pivot axis (62).

11. Regarding claim 5, Weigel discloses an apparatus wherein the lever (66) is linked with the arm (60), wherein the lever (66) includes the slot (70), wherein the arm (60) includes the pin (68).

12. Regarding claim 6, Weigel discloses an apparatus wherein the slot (70) is angled upward (see Figure 5), wherein the pin (68) is operative to move upward in the slot (70), wherein the gate correspondingly moves in an opening direction as the pin (68) moves upward in the slot (70).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Weigel as applied to claim 2 above, and further in view of Ebihara (U.S. Patent Number 4,787,617).

15. Referring to claim 7. See above. Weigel discloses a dispensing unit for paper currency (Figure 1), wherein the apparatus includes a media presenter (10) wherein the presenter includes a roller shaft (see roller shaft at center of rollers 28 and 22; Figure 1) having plural rollers thereon, wherein the roller shaft is located adjacent the outlet (24), wherein each roller includes an outer circumferential surface.

Weigel does not disclose the outer circumferential surface of the rollers as being tapered from the center of the rollers.

Ebihara discloses an dispensing apparatus wherein the presenter includes a roller shaft having plural rollers (13) thereon, wherein each roller includes an outer circumferential surface having a center portion and tapering portions (Figure 4), wherein the center portion is located between tapering portions, wherein the diameter of each tapering portion (surface of roller 13) narrows in a direction extending away from the center portion (Figure 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Weigel to include multiple rollers, each surface profile which is tapered to both sides of the rollers as taught by Ebihara. As a result multiple tapered rollers would provide a better surface contact and reduce slippage as the media is being dispensed through the outlet.

16. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Weigel in view of Ebihara as applied to claim 7 above, and further in view of Adelberger (U.S. Patent Number 4,462,509).

17. Referring to claim 8. Adelberger discloses a currency dispenser apparatus wherein the presenter includes a plurality of belts (100-103), wherein each center portion supports a belt thereon (Figure 5 and 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Weigel to include a plurality of belts supported on the center portion of the roller as taught by Adelberger because the belts would be harder to derail off the center of the rollers and in addition provide a continuous contact point with the currency as the currency is moved over the rollers to the outlet through the opening.

18. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weigel in view of Ebihara in view of Adelberger as applied to claim 8 above, and further in view of Meyer et al. (U.S. Patent Number 5,797,599).

19. Referring to claims 9-11. See above. Meyer discloses an apparatus wherein the presenter includes at least one rail (30), wherein the at least one rail (30) (Figure 3) has a flexible end (belt 30) adjacent the outlet (72), wherein the presenter is operative to

pass notes (132) between at least one flexible end and the rollers (144; see Figure 11), wherein the positional relationship of the at least one flexible end (belt 30) and the rollers (144) is operative to impart a wavy configuration (Figure 2) to notes passing there between and dispense the media to outlet (72; Figure 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Weige in view of Ebihara in view of Adelberger to include a belt rail to act as a conveyor to dispense notes from one end of the media presenter to the outlet as taught by Meyers because a continuous belt rail conveyor will provide better control of the moving currency notes as each of the notes is removed and conveyed through the apparatus, thus preventing jamming of the notes in the transition.

Allowable Subject Matter

20. Claims 12-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

21. Applicant's arguments filed 03/15/2006 have been fully considered but they are not persuasive.

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22. Applicant's arguments with respect to claim 1-21 have been considered but are moot in view of the new ground(s) of rejection. See rejection above.

Conclusion

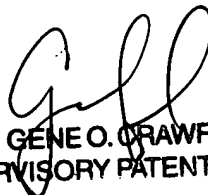
23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rakesh Kumar whose telephone number is (517) 272-8314. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

05/26/2006
RK


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